

## **EXHIBIT 4**

Page 1

1     \*\*C O N F I D E N T I A L\*\*

2     UNITED STATES DISTRICT COURT

3     SOUTHERN DISTRICT OF NEW YORK

4     -----X

5     THE AUTHORS GUILD, et al.,

6  
7                             Plaintiffs,

8             - against-

Master File No.

9                             05 CV 8136-DC

10  
11     GOOGLE, INC.,

12                             Defendant.

13     -----X

14  
15                             June 8, 2012

16                             9:30 a.m.

17  
18                     Deposition of JUDITH A. CHEVALIER,  
19     held at the offices of Milberg, LLP, One  
20     Penn Plaza, New York, New York, pursuant to  
21     Agreement, before NANCY SORENSEN, a Notary  
22     Public of the State of New York.  
23  
24  
25

1 J.A. Chevalier - C O N F I D E N T I A L  
2 digital copies is not germane to your report?

3 A. Whether or not the libraries have  
4 made a digital copy and what it is that the  
5 library will do with them, is not, is outside  
6 the scope of my assignment.

7 It may be important to the case, but  
8 it is not important to my report.

9 Q. Do you know with respect to the  
10 Google Library Project, not the Partner Program  
11 portion, how many of the books that Google scans  
12 and includes in the search tool, as you describe  
13 it, were commercially available books, as  
14 opposed to not commercially available books?

15 A. I don't know that.

16 Q. If I told you that 90 percent of the  
17 books were not commercially available, would  
18 that affect your opinions in any way?

19 A. That would not affect my opinions.

20 Q. If I told you that they were 10  
21 percent, would that affect your opinion?

22 A. No.

23 Q. Referring you to paragraph 10 on page  
24 3 of your report, about a little, you know, over  
25 halfway down, there is a sentence that begins,